

Steve W. Berman (*pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com

Shana E. Scarlett (217895)
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
shanas@hbsslaw.com

*Lead Counsel for Indirect
Purchaser Class*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS
ANTITRUST LITIGATION

No. 3:10-md-2143 RS (JCS)

MDL No. 2143

This Document Relates to:

STATUS UPDATE REGARDING CLAIMS
DISTRIBUTION

ALL INDIRECT PURCHASER ACTIONS

DATE ACTION FILED: Oct. 27, 2009

Indirect Purchaser Plaintiffs (IPPs) submit this status update regarding claims distribution pursuant to this Court's Order Granting Motion for Attorney Fees and Motion for Distribution (ECF No. 3062). One appeal remains pending in this action by Objector Conner Erwin, of the award of attorneys' fees to class counsel, Hagens Berman Sobol Shapiro LLP. Plaintiffs' responding brief is due on February 14, 2022, and Objector Erwin's answering brief (if any) is due on March 7, 2022.

Over the past few months, the claims administrator (Epiq) has conducted an audit of a number of claims. The claims administrator conducted an audit on the following categories of claims:

- 563 higher value claims for a total of 138,082,745,497 units;
- all claims for 100,000 or more claimed units;
- claims that appeared to be potentially from non-Settlement States of 10,000 or more units;
- 1,979 claims with no claimed purchase values;
- 32,345 claims that did not have proper third-party authorization to file for a total of 43,505,159 units; and
- 64,699 duplicate claim filings for a total of 158,030,791,710 units.¹

The outcome of the auditing process is reflected in the following summary of valid versus rejected claims:

Count Type	Total Claims	Computer Drive Count	Standalone Drive Count	Total Drive Count
All Claims	561,254	74,770,425,224	83,260,366,486	158,030,791,710
Valid Claims	461,846	34,444,797	3,498,337	37,943,134
Rejected Claims	99,408	74,735,980,427	83,256,868,149	157,992,848,576

Based on the updated number of valid claims and device count, this means that the estimated award to class members will be \$3.92 per device. Some further details for the Court regarding the distribution are:

- 69,215 claims were for a single unit and would have an award of approximately \$3.92;

¹ These categories include some overlap. For example, some larger claims were also missing third-party authorizations. Alternatively, some larger claims filers submitted multiple large claims, which would be both high value claims and duplicate claims.

- 390,999 claims are for 10 or fewer total units (awards range from \$3.92 to \$39.20);
- 69,750 claims are for greater than 10 units but less than 5,000 units (values range from \$43.12 to \$19,552.96);
- 1,096 claims are for 5,000 or more units (award values range from \$19,600 to \$3,611,821.36);
- The highest claim is for 921,383 units (estimated award value \$3,611,821.36, claimant is General Electric);
- The median claim is for 4 units (estimated award of \$15.68);
- The average claim is for 81.31 units; and
- The average estimated award is approximately \$318.74.

In this case, plaintiffs have retained a vendor specializing in distribution of digital payments, DigitalPay. Given Epiq's recent completion of the audit, indirect purchasers propose filing a proposed order within 30 days regarding the method and schedule for the distribution of the monies by DigitalPay. As an example of the type of distribution contemplated, DigitalPay recently undertook the distribution of the settlement funds to 3.8 million claimants in the indirect purchaser class in the *Edward v. National Milk Producers Federation*, Case No. 11-cv-04766-JSW.² Indirect purchasers contemplate filing a proposed similar method of digital distribution and proposed timeline here.

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HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Shana E. Scarlett
SHANA E. SCARLETT

Shana E. Scarlett (217895)
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
shanas@hbsslaw.com

² See, e.g., Declaration of Jonathan Mendelson re Report of Number of Claimants and Amount to be Distributed to Each Level of Claimant, Case No. 11-cv-04766-JSW, ECF No. 491 (filed July 10, 2017).

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